

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SPECIALTY VEHICLE ACQUISITION
CORPORATION, a Delaware corporation,

Plaintiff,

v.

Case No. 07-13887

AMERICAN SUNROOF CORPORATION,
a Michigan corporation, and DMITRI
CHEVTSOV, an individual,

Honorable Patrick J. Duggan

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR A PRELIMINARY
INJUNCTION AND DENYING DEFENDANTS' MOTION TO SUSPEND
PROCEEDINGS AS MOOT**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on December 3, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This is a trademark dispute between Specialty Vehicle Acquisition Corporation
("Plaintiff" or "SVAC") and American Sunroof Corporation and Dmitri Chevtsov¹
("Defendants"). On September 14, 2007, Plaintiff filed a complaint asserting federal and
state law causes of action arising out of Defendants' alleged unlawful use of Plaintiff's

¹Defendant Chevtsov is proceeding *pro se*. No attorney has appeared on behalf of
Defendant American Sunroof Corporation.

trademarks.² Presently before this Court are: (1) Plaintiff's Motion for a Preliminary Injunction; and (2) Defendants' Motion to Suspend Proceedings. Plaintiff's motion has been fully briefed. Plaintiff has responded to Defendants' motion. A hearing on these motions was scheduled for November 29, 2007.

I. Plaintiff's Motion for a Preliminary Injunction

For the reasons set forth on the record at the hearing on November 29, 2007, Plaintiff's Motion for a Preliminary Injunction is **GRANTED**. Consequently, pending a trial on the merits, Defendants are hereby **ENJOINED** and **RESTRAINED** from using Plaintiff's ASC and AMERICAN SUNROOF COMPANY marks. An Order reflecting this injunctive relief shall be prepared by counsel for Plaintiff and submitted to the Court for entry.

II. Defendants' Motion to Suspend Proceedings

Also before this Court, is Defendants' Motion to Suspend Proceedings. In their motion, Defendants "ask the Court to suspend proceedings in this civil action as it involves vital issues in common with the cancellation" of the registration of Plaintiff's

²More specifically, Plaintiff's Complaint asserts ten separate counts: Count I (Trademark Infringement in Violation of the Lanham Act – 15 U.S.C. § 1114); Count II (False Designation of Origin in Violation of the Lanham Act – 15 U.S.C. § 1125(a)(1)(A)); Count III (Federal Unfair Competition in Violation of the Lanham Act – 15 U.S.C. § 1125); Count IV (False or Misleading Advertising in Violation of the Lanham Act – 15 U.S.C. § 1125(a)(1)(B)); Count V (Common Law Unfair Competition); Count VI (Common Law Trademark Infringement); Count VII (Unjust Enrichment Under Michigan Common Law); Count VIII (Cancellation of Defendant's Federal Trademark Registration No. 3198661); Count IX (Michigan Consumer Protection Act § 445.903); and Count X (Federal Trademark Cyberpiracy in Violation of 15 U.S.C. § 1125(d)(1)(A)).

AMERICAN SUNROOF COMPANY mark. (Dfts.' Mot. at 1.) Defendants filed a Petition to Cancel the registration of this mark with the United States Patent and Trademark Office's Trademark Trial and Appeal Board ("TTAB") on July 31, 2007. (*See* Dfts.' Mot. Ex. 1.)

Having already determined that an injunction prohibiting Defendants from using Plaintiff's AMERICAN SUNROOF COMPANY mark is appropriate during the pendency of this action, this Court will deny Defendants' Motion to Suspend Proceedings as moot. Therefore, **IT IS ORDERED** that Defendants' Motion to Suspend Proceedings is **DENIED AS MOOT**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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